

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LEE R. CROUTHERS,

Petitioner,

v.

Case No. 05-C-1138

PAM WALLACE,

Respondent.

ORDER

Lee R. Crouthers ("Crouthers") is a prisoner incarcerated pursuant to a Wisconsin state court judgment who has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Instead of filing an answer, the respondent filed a motion to dismiss the petition as untimely under 28 U.S.C. § 2244(d), which was subsequently granted by this court on June 12, 2006.

On July 12, 2006, Crouthers filed a motion seeking a preliminary injunction. After a district court has denied a habeas petition, generally the petitioner's only option is requesting a certificate of appealability in order to undertake an appeal. See 28 U.S.C. § 2253; Fed. R. App. P. 22(b). Thus, Crouthers' motion for a preliminary injunction is baseless.

IT IS THEREFORE ORDERED that Crouthers' motion for a preliminary injunction is **denied**.

Dated at Milwaukee, Wisconsin, this 18th day of October, 2006.

s/AARON E. GOODSTEIN
United States Magistrate Judge